REMARKS/ARGUMENTS

Claims 23-29 and 31 are pending and rejected. Consideration of the following remarks and allowance of the claims is respectfully requested.

35 U.S.C. §102

Claims 23, 24, 26 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 163,678 (Merrill).

Claim 23 is directed to a stove including a "stove body defining a combustion chamber," a baffle plate "spaced apart from at least a portion of the stove body to form a passage" and an "air manifold coupled to the baffle plate, the air manifold creating a secondary combustion chamber below the baffle plate." The baffle plate and air manifold are "moveable from a substantially horizontal closed configuration to an open configuration." In the closed configuration, "the baffle plate directs gases within the combustion chamber to flow from the combustion chamber, around the baffle plate through the passage and out the chimney." When the baffle plate is in the open configuration, "a by-pass pathway is formed, separate from the passage." Gases within the combustion chamber flow from the combustion chamber, through the by-pass pathway, and out the chimney.

Merrill discloses an open front stove having a hopper in the rear part for the supply of fuel. The front plate of the magazine is hinged so as to enable it to be shifted back. Shifting the plates enables conversion of the stove into an open fireplace. *Merrill* discloses a hollow plate **S**, having interior orifices **s** in communication within the fire-space. The plate **S** may be capable of being hung vertically (*See* Fig. 7) or horizontally (*See* Fig. 8) depending upon whether the front stove is to have a hopper or be an open fireplace. A plate **P** extends rearwardly over the entire magazine except at an opening **p**, which is closable by a slide **M'**. When drawn forward, as in Fig. 8, the slide **M'** opens the aperture **p** and at the same time closes the throat to permit charging of the magazine without disturbing the fire.

Merrill does not teach or suggest a stove as recited in claim 23. Specifically, *Merrill* does not teach or suggest as recited in claim 23, that the baffle plate and air manifold (hollow

plate **S**) are moveable from a horizontal closed configuration, in which gases flow through a passageway, to an open configuration, in which gases flow through a by-pass pathway separate from the passageway. Moreover, claim 23 does not read on the stove in *Merrill*. Rather, the flow of gases in the *Merrill* stove is dependent upon the placement of the slide **M'** relative to the fixed plate **P**. *See* Pg. 2, lns. 2-10. If the slide **M'** is moved rearwardly, the aperture **p** is closed and gases are directed around the plate **S** regardless of whether the plate **S** is positioned horizontally or vertically. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 24, 26 and 28 depend from claim 23 and are allowable for at least the same reasons noted above. Reconsideration and withdrawal of the rejections is respectfully requested.

35 U.S.C. §103

Claims 25, 27, 29 and 31 are rejected under 35 U.S.C. §103(a) as being obvious over *Merrill* in view of U.S. Patent No. 4,856,491 (Ferguson et al.)

Claims 25 and 27 depend from claim 23. As discussed previously, *Merrill* neither teaches nor suggests all of the features recited in claim 23. *Ferguson*, which discloses a stove body having a front wall 12 with a door 28 and a top 20 having a removeable griddle 22, does not remedy this deficiency. *See* Col. 5, lns. 17-30. Therefore, neither *Merrill* nor *Ferguson*, alone or in combination, teaches all of the features recited in claims 25 and 27. Reconsideration of the rejection and allowance of the claims is respectfully requested.

Claim 29 is directed to a stove including "a stove body defining a combustion chamber," "a baffle plate disposed within the combustion chamber, the baffle plate being moveable from a substantially horizontal closed configuration to an open configuration," and "an air manifold positioned below the baffle plate." In the closed configuration, the baffle plate "directs gases…through a first passage defined at least in part by the front wall and the top wall of the stove body" and in the open configuration, the baffle plate "directs gases…through a second passage…such that gases do not exit the opening formed in either of the front wall and the top wall." The combination of the baffle plate and the air manifold

creates a secondary combustion area below the baffle plate, the air manifold in air flow communication with a second air supply system.

Merrill does not teach or suggest a stove as recited in claim 29. As discussed with respect to claim 23, *Merrill* does not teach or suggest that the baffle plate and air manifold (hollow plate **S**) are moveable from a horizontal closed configuration, in which gases flow through a first passage, to an open configuration, in which gases flow through a second passageway. Furthermore, *Merrill* does not teach or suggest that in the open configuration, the baffle plate (hollow plate **S**) directs gases through a second passage such that gases do not exit the opening formed in either of the front wall and the top wall. As discussed previously, the flow of gases in the stove taught in *Merrill* is dependent upon the placement of the slide **M'** relative to the fixed plate **P**. If the slide **M'** is moved rearwardly, the aperture **p** is closed and gases are directed around the plate **S** regardless of whether the plate **S** is positioned horizontally or vertically. Movement of the hollow plates from the horizontal configuration to the vertical configuration does not cause gases to be directed from a first passage to a second passage as recited in claim 29. As discussed with respect to claim 28, *Ferguson* discloses a stove body having a front door 28 and a removable top griddle 22. *Ferguson* does not disclose a structure for redirecting air flow as recited in claim 28. Thus, even if the *Merrill* stove was modified with the teachings of *Ferguson* as suggested by the Examiner, the combination of the two references still would not teach or suggest all of the features recited in claim 29. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 31 depends from claim 29 and is allowable for at least the above recited reason. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If

there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

No fee is believed to be necessary for the entry of this paper. Should any fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

Respectfully Submitted,

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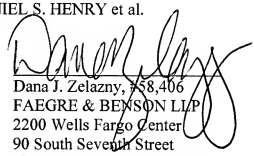
By: 

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